THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18582 of 2006

Dated:06.09.2007

Between

1.Dr.A.Janaki and others.

.....Petitioner

and

1.The Govt of Andhra Pradesh
rep., by its Principal Secretary
Higher Education Department,
Secretariat, Hyderabad and another.

…Respondents

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W.P.No.18582 of 2006

ORDER:

The writ petition has been filed seeking a mandamus to declare the action of the respondents in not notifying the existing teaching vacancies in the departments of Sanskrit, Hindi and Library & Information Science in the respondent University as arbitrary and illegal and consequently to direct the respondents to notify the existing vacancies of Assistant Professors/Associate Professors in 2nd respondent University against which the petitioners are working and consider them for appointment on regular basis in the ensuing selections in the light of the Judgment dated 11.9.2002 in W.A.No.764 of 1998.

It appears that the petitioners are working

as part-time lecturers in various departments of 2nd respondent-University. Though regular sanctioned vacancies are available, the services of the petitioners are being utilized on temporary basis and considering them as bonded labour, the respondent-University is not notifying the vacancies against which they are working for the purpose of regular recruitment. Unless and until a notification is issued and the posts are filled up, the petitioners may not be able to get the benefit of regularization and regular appointment.

No writ, particularly a Mandamus cannot be issued against the respondent-University directing it to notify the vacancies in all the departments to be filled up within a particular period of time etc. It is for the university to decide as to notifying the existing vacancies in various departments and making regular recruitment and/or regularizing the services of the persons working in the said vacancies.

Therefore, the writ petition is not maintainable and as such the same is liable to be dismissed. Accordingly, the writ petition is dismissed.

However, the University being a model employer cannot keep vacancies unfilled by regular employees and continue the persons on temporary or part-time basis. In an education system, to achieve the excellence of education, it is always desirable that the University shall follow some norms to fill up the vacancies and to consider notifying the vacancies. It is for the respondents to decide and not for the Court.

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06-09-2007

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